

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of KENNEDY et al.

Application No. 10/635,630

Examiner:

Filed: August 6, 2003

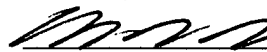
Group Art Unit:

For: MESSAGE DEVICE

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR §1.97(b)**

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on 11-21-03.

  
Reg. No. 40,764  
Mark D. Passler

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. A copy of each reference is enclosed. In accordance with the Rules in effect for applications filed after June 30, 2003, copies of U.S. patents and/or patent application publications are not enclosed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.


Applicants respectfully request that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of form PTO/SB/08A be returned in accordance with MPEP §609.

Certification

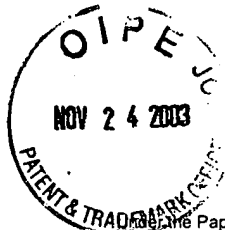
This Statement is being filed within three months of the filing of this application and/or prior to the issuance of the first Office Action for the present application, and this paper is thus submitted in accordance with 37 CFR §1.97(b). In view of this certification, a fee is not required for consideration of these documents. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Dated: 11-21-03

  
Mark D. Passler  
Registration No. 40,764  
**AKERMAN SENTERFITT**  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Tel: 561-653-5000

Docket No. 6865-18



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/635,630
Filing Date	August 6, 2003
First Named Inventor	KENNEDY
Art Unit	
Examiner Name	
Attorney Docket Number	6865-18

Sheet 1 of 2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 2001/0027280A1	10/04/2001	HUANG	
		US- 2002/0072693A1	06/13/2002	DEHLI	
		US- 4,151,623	05/01/1979	STEERE	
		US- 4,228,558	10/21/1980	ZHADANOV	
		US- 4,330,089	05/18/1982	FINKBEINER	
		US- 4,432,355	02/21/1984	DELLUC	
		US- 4,441,488	04/10/1984	MACABEE	
		US- 4,640,462	02/03/1987	STEARNS, III	
		US- 5,093,942	03/10/1992	LANG	
		US- 5,261,394	11/16/1993	MULLIGAN ET AL.	
		US- 5,279,284	01/18/1994	FENN	
		US- 5,294,054	03/15/1994	BENEDICT ET AL.	
		US- 5,300,095	04/05/1994	SALAZAR	
		US- 5,361,437	11/08/1994	ZHU ET AL.	
		US- 5,385,532	01/31/1995	SHYU	
		US- 5,417,644	05/23/1995	LEE	
		US- 5,447,491	09/05/1995	BELLANDI	
		US- 5,484,390	01/16/1996	CHIANG	
		US- 5,634,888	06/03/1997	HENKIN ET AL.	

**FOREIGN PATENT DOCUMENTS**

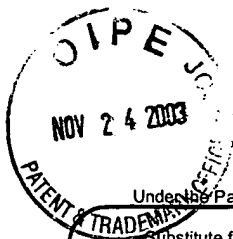
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		DE 1 276 870	09/05/1968	SCHEUBECK		
		JP 08-186951	07/16/1996	HIDEO		

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Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet **2**of **2****Complete if Known**

Application Number	10/635,630
Filing Date	August 6, 2003
First Named Inventor	KENNEDY
Art Unit	
Examiner Name	
Attorney Docket Number	6865-18

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,704,547	01/06/1998	GOLAN ET AL.	
		US- 5,716,332	02/10/1998	NOBLE	
		US- 5,951,501	09/14/1999	GRINER	
		US- 6,021,353	02/01/2000	WANG	
		US- 6,039,703	03/21/2000	BADILLA	
		US- 6,146,342	11/14/2000	DELLUC	
		US- 6,151,728	11/28/2000	WRIGHT ET AL.	
		US- 6,165,145	12/26/2000	NOBLE	
		US- 6,199,771	03/13/2001	CLEARMAN ET AL.	
		US- 6,213,964	04/10/2001	PESOVIC ET AL.	
		US- 6,338,170	01/15/2002	DE SIMONE	
		US- 6,352,518	03/05/2002	NEE WOLF	
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/635,630	
	Filing Date	August 6, 2003	
	First Named Inventor	KENNEDY	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	24	Attorney Docket Number	6865-18

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b> Please acknowledge receipt of the paper(s) noted herein by returning the attached postcard receipt.  No fees are believed necessary, but please charge any deficiencies to Deposit Account No. 50-0951.	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual	AKERMAN SENTERFITT Mark D. Passler, Registration No. 40,764	
Signature		
Date	11-21-03	

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Typed or printed	Mark D. Passler	
Signature		Date 11-21-03

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